

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JPMORGAN CHASE BANK, N.A.,

Plaintiffs,

vs.

SFR INVESTMENTS POOL 1, LLC, *et al.*,

Defendants.

2:16-cv-02230-RFB-VCF

**ORDER GRANTING ENLARGMENT OF
TIME TO SERVE AND SERVICE BY
PUBLICATION (ECF NO. 35)**

Before the court is JPMorgan Chase Bank, N.A.'s Motion to Extend Time for Service and Permit Service by Publication and/or by Email (ECF No. 35).

JPMorgan asks this court to permit service of the Summons and Complaint against Defendant Rodrigo Coloma by publication and/or by email. *Id.* JPMorgan also seeks to extend the time in which to effectuate service under Federal Rule of Civil Procedure 4(m). *Id.* No opposition has been filed.

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), "an individual – other than a minor, an incompetent person, or a person whose waiver had been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." Under Rule 4(e)(1) of the Nevada Rules of Civil Procedure, "when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, and that the defendant is a

1 necessary or proper party to the action, such court or judge may grant an order that the service be made
2 by the publication of summons.”

3 JPMorgan asserts that the after diligent effort, it is unable to serve Coloma within the states of
4 Nevada and California. (ECF No. 35-1 at 3). In support of this assertion, JPMorgan provided the court
5 with several affidavits of attempted services (ECF Nos. 35-2, 35-3, and 35-4). The last known addresses
6 for Coloma are 29415 Indian Valley Road, Rancho Palos Verdes, California 90275, 36 Valmonte Plaza,
7 Palos Verdes Estates, California 90274, and 921 Noah Valley Street, Henderson, Nevada 89052. *Id.*
8 Service at these addresses were unsuccessful. *Id.*

9 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
10 service by publication of the Summons and Complaint on Coloma is warranted. Pursuant to Rule
11 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a period
12 of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

13 **Extension For Service**

14 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
15 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
16 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

17 JPMorgan must effectuate service on Coloma by December 21, 2016. Fed. R. Civ. P. 4(m).
18 JPMorgan asserts that an additional 90 days is required to effect service by publication, and asks this court
19 to extend the 4(m) deadline. *Id.*

20 Given that JPMorgan has demonstrated “good cause” for its failure to effectuate service and has
21 provided support for its request for an extension, the court will extend the 4(m) deadline until April 7,
22 2017. *See* Fed. R. Civ. P. 4(m).

23 Accordingly, and for good cause shown,

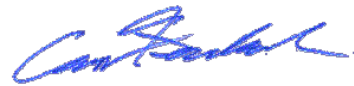
24 IT IS HEREBY ORDERED that JPMorgan Chase Bank, N.A.’s Motion to Extend Time for
25 Service and Permit Service by Publication and/or by Email (ECF No. 35) GRANTED.

1 IT IS FURTHER ORDERED that JPMorgan is permitted to serve Rodrigo J. Coloma by
2 publication. A copy of the Summons and Complaint must be mailed to Coloma at his last known
3 address(es) by certified U.S. Mail, return receipt requested.

4 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
5 and (iii), the Summons in this action must be served by publication in a newspaper, published in the states
6 of Nevada and California, for a period of four weeks and at least once a week during that time.

7 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
8 including April 7, 2017.

9 DATED this 9th day of January, 2017.

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12 CAM FERENBACH
13 UNITED STATES MAGISTRATE JUDGE
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